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STATE OF CALIFORNIA
DIVISION OF LABOR STATISTICS AND LAW ENFORCEMENT
DEPARTMENT OF INDUSTRIAL RELATIONS

January, 1937

DIGEST OF THE CALIFORNIA CHILD LABOR LAW

The following is a digest of "An act to be known as the child labor law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the commissioner of the bureau of labor statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith."

(Approved May 10, 1919; Stats. 1919, Ch. 259; as amended, Stats. 1925 Ch. 123 and Ch.141; Stats. 1929, Ch. 546.)

Minors under 16 years may not work without proper permit.

Section 1. No minor under the age of 16 years shall be permitted to work. (Sec. 1, Child Labor Law.)

Exceptions to section 1.

(A) As prescribed in the Educational Rights of Children Act, providing for permits to work to minors under 16 years of age and exempting them from full-time school attendance but not from part-time school attendance. (Sec. 1 (5) Ed.Rights of Children.)

Permits

PERMITS (1). (2) AND (3) ARE ISSUED BY THE SUPERINTENDENTS OF SCHOOLS OR BY PERSONS AUTHORIZED BY THEM IN WRITING. PRINCIPALS OF SCHOOLS OR CUSTODIANS OF SCHOOL RECORDS ISSUE PERMIT (4). *

15 to 16 years. Age and schooling permit. Part-time school attendance required.

(1) Minors over 15 but under 16 years of age.

(a) Must have completed equivalent of seventh grade.
(b) Must have promise of definite employment.
(c) Must be physically fit to undertake work contemplated.
(Sec. 3a(2) Ed.Rights of Children.)

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14 to 16 years. Graduate permit. Part-time school attendance required.

(2) Minors over 14 but under 16 years of age.

(a) Must hold diploma of graduation from eighth grade.
(b) Must have promise of definite employment.
(c) Must be physically fit to undertake the work contemplated.
(d) Must be in extreme financial need.
(Sec. 3a(2) Ed. Rights of Children)

PERMITS (3) AND (4) DO NOT EXEMPT FROM FULL-TIME SCHOOL ATTENDANCE AND ARE ISSUED BY SAME AUTHORITIES.

14 to 16 years. Age and schooling. Full-time school attendance required.

(3) Minors over 14 but under 16 years of age. To work out-of-school hours only.

(a) Must have promise of definite employment.
(b) Must be physically fit to undertake the work contemplated.
(See Sec. 3a. Third, Ed.Rights of Children.)

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*In addition to these permits, authorized school authorities may assign any minor over the age of 14 to a vocational course in a place of employment, such employment to be in lieu of the regular school course.

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12 to 16 years. Age and schooling. Full-time school attendance required.

(4) Minors over 12 but under 16 years of age. To work Saturdays and during the regular or a specified occasional public school vacation.
(See Sec. 3b. First, Ed. Rights of Children.)

PERMIT (5) WHICH IS THE THEATRICAL PERMIT, IS ISSUED ONLY BY THE LABOR COMMISSIONER, OR HIS AUTHORIZED DEPUTIES.

Theatrical permit. Full-time or part-time school attendance required.

(5) Any minor under 18 years of age.* To work as actor, actress, or to take part in any drama, play, performance, or entertainment.

(a) Must show satisfactory school attendance and scholarship.
(b) Must file certificate of age.
(c) Must satisfy the Labor Commissioner that the environment under which the work is to be performed on the stage is not detrimental to the minor's health or moral well-being. (Sec. 5 of Child Labor Law.)

Boys under 10 years and girls under 18 years. Prohibited occupations.

(6) No boy under 10 years of age, nor girl under 18 years of age, shall be employed, permitted or suffered to work at any time in or in connection with the street occupation of peddling, bootblacking, the sale or distribution of newspapers, magazines, periodicals or circulars nor in any other occupation pursued in any street or public place; provided, however, that nothing in this section shall be construed to apply to cities whose population is less than twenty-three thousand according to the last federal census. (See Sec. 3½ of the Child Labor Law.)

NOTE:- Under date of June 23, 1923, Attorney General U. S. Webb ruled that theatres and root beer stands are "public places" within the meaning of the law.

(7) Minors under 16 years of age may be employed in agricultural, horticultural, or viticultural or domestic labor, when school is not in session, or outside of school hours, not more than eight hours in any one day or 48 hours in any one week. (Sec. 5 of Child Labor Law.)

Sec. 2. NO MINOR UNDER THE AGE OF 18 YEARS SHALL BE EMPLOYED MORE THAN EIGHT HOURS IN ONE DAY, 48 HOURS IN ONE WEEK, OR BEFORE FIVE O'CLOCK A.M. OR AFTER TEN O'CLOCK P. M. (Sec. 2, Child Labor Law.)

Exceptions to Section 2.

(A) As prescribed in the Child Labor Law:

May work after 10 p.m.

(1) Minors between 15 and 18 years of age may secure permit from Labor Commissioner or his authorized deputies, to work on the stage after 10 o'clock p.m., if the performance began prior to that time. (Sec. 5 of Child Labor Law.)

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* Section 5 of the child labor law was amended in 1925 so as to prohibit the employment of children under 12 years of age in theatrical pursuits except during periods of public school vacations, when children 8 years of age or over may perform with the written consent of the Labor Commissioner.

May work more than 48 hours in one week or 8 hours in one day.

(2) Minors 16 years of age and over may be employed in agricultural, horticultural, or viticultural, or domestic labor for more than eight hours in one day or more than 48 hours in one week. (Sec. 5 of Child Labor Law.)

(3) No boy under 18 years of age shall be employed as messenger, as provided in section 3 below, before 6 o'clock in the morning or after the hour of 9 o'clock in the evening. (Sec. 3 of Child Labor Law.)

16 to 18 years. School enrollment certificate and permit to work.

NOTE:- Except in agricultural and home-making occupations, the part-time educational law, under which the school enrollment certificate and permit to work are issued to minors between 16 and 18 years of age, furnishes no exception to section 2, since the four hours per week of part-time education must be included in the eight hours per day or forty-eight hours per week of work. (Sec. 7, Part-Time Education.)

Girl under 18, boy under 16 years, prohibited employment.

SEC. 3. NO GIRL UNDER THE AGE OF 18 YEARS, NO BOY UNDER THE AGE OF 16 YEARS SHALL BE EMPLOYED AS MESSENGER FOR ANY TELEGRAPH, TELEPHONE, OR MESSENGER COMPANY, IN TOWNS OF MORE THAN 15,000 INHABITANTS NOR SHALL ANY BOY UNDER THE AGE OF 18 YEARS BE PERMITTED TO ENGAGE IN SUCH WORK BEFORE THE HOUR OF SIX IN THE MORNING OR AFTER THE HOUR OF NINE O'CLOCK IN THE EVENING. (Sec. 3, Child Labor Law.)

SEC. 3½. SAME AS EXCEPTION (6) UNDER SECTION 1 ABOVE. (Sec. 3½, Child Labor Law.)

SEC. 4. NO MINOR UNDER THE AGE OF 16 YEARS SHALL BE EMPLOYED IN DANGEROUS OCCUPATIONS SUCH AS: (Sec. 4, Child Labor Law.)

Minors under 16 years, prohibited employments.

(1) Adjusting any belt to any machinery, or sewing or lacing machine belts in any workshop or factory, or oiling, wiping or cleaning machinery, or assisting therein, or operating or assisting in operating any of the following machines:

(a) Circular or band saw; (b) wood shapers: (c) wood jointers; (d) planers; (e) sandpaper or wood-polishing machinery; (f) wood turning or boring machinery: (g) picker machines or machines used in picking wool, cotton, hair or any other material; (h) carding machines; (i) paper-lace machines; (j) leather burnishing machines; (k) printing presses of all kinds; (l) boring or drill presses; (m) stamping machines used in sheet-metal and tinware or in paper and leather manufacturing, or in washer and nut factories; (n) metal or paper-cutting machines; (o) corner-staying machines in paper box factories; (p) corrugating rolls, such as are used in corrugated paper, roofing or washboard factories; (q) steam boilers; (r) dough brakes or cracker machinery of any description; (s) wire or iron straightening or drawing machinery; (t) rolling mill machinery; (u) power punches and shears; (v) washing,

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grinding or mixing machinery; (w) calendar rolls in paper and rubber manufacturing; (x) laundering machinery; or in proximity to any hazardous or unguarded belts, machinery or gearing; or

(2) upon any railroad, whether steam or hydraulic; or

(3) upon any vessel or boat engaged in navigation or commerce within the jurisdiction of this state; or

(4) in, about, or in connection with any processes in which dangerous or poisonous acids are used; or

(5) in the manufacture or packing of paints, colors, white or red lead; or

(6) in soldering; or

(7) in occupations causing dust in injurious quantities; or

(8) in the manufacture or use of dangerous or poisonous dyes; or

(9) in the manufacture or preparation of composition with dangerous or poisonous gases; or

(10) in the manufacture or use of compositions of lye in which the quantity thereof is injurious to health; or

(11) on scaffolding; or

(12) in heavy work in the building trades; or

(13) in any tunnel or excavation; or

(14) in, about or in connection with any mine, coal breaker, coke oven, or quarry; or

(15) in assorting, manufacturing or packing tobacco; or

(16) in operating any automobile, motor car or truck; or

(17) in a bowling alley; or

(18) in a pool or billiard room; or

(19) in any other occupation dangerous to the life or limb, or injurious to the health or morals of such child, provided, however, that the provisions of this section shall not apply to the courses of training in vocational or manual training schools or in state institutions.

Labor Commissioner to decide on dangerous employments.

NOTE:- The Bureau of Labor Statistics may from time to time, after a hearing duly had, decide whether or not any particular occupation is dangerous to children under the age of 16 years.*

Employer must keep register of minors.

SEC. 5. SAME AS EXCEPTIONS (1), (2) UNDER SECTION 2, AND (5) AND (7) UNDER SECTION 1 ABOVE. (Sec. 5, Child Labor Law.)

Notification of termination of employment.

SEC. 6. EMPLOYER MUST KEEP SEPARATE REGISTER FOR ALL MINORS EMPLOYED DIRECTLY OR INDIRECTLY. (Sec. 6, Child Labor Law.)

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* On February 8, 1928, under Child Labor Order No.1, the Labor Commissioner, excluded minors under 16 years of age from the following occupations:

(a) All occupations where such children come in close proximity to moving machinery.

(b) All building or construction work of any kind.

(c) Delivering goods, merchandise, commodities, papers, or packages from motor vehicles.

Minors must resume regular school attendance after ten days of unemployment.

Within five days after the minor's employment terminates, the employer must notify the county supervisor of attendance of the termination of such employment. Minors under sixteen years of age must resume regular school attendance, after being out of employment for ten consecutive days.

Issuing authorities and Labor Commissioner may revoke permits to work.

Permits to work are subject to cancellation by the Commissioner of the Bureau of Labor Statistics or by authority issuing the same whenever such Commissioner or such issuing authority determines that the conditions for the legal issuance of such certificate or permit no longer exist or have never existed.

Labor Commissioner to enforce child labor law.

SEC. 7. PROVIDES PENALTY FOR VIOLATIONS OF THIS ACT OR FOR FAILURE TO COMPLY WITH PROVISIONS OF THIS ACT. (Sec. 7. Child Labor Law.)

SEC. 8. IT IS THE DUTY OF THE COMMISSIONER OF LABOR TO ENFORCE THIS LAW. (Sec. 8, Child Labor Law.)

SEC. 9. INCONSISTENT ACTS AND PARTS OF ACTS ARE HEREBY REPEALED. (Sec. 9, Child Labor Law.)

SEC. 10. RELATES TO CONSTITUTIONALITY OF THE ACT. (Sec. 10, Child Labor Law.)

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